

ORDINANCE NO. _____

1 AN ORDINANCE approving an Improvement Lease and Operating Agreement
2 (Agreement) and accepting the terms and conditions of the Lease and Operating Agreement
3 between the Board of Regents of the University of Nebraska, a public body corporate and
4 governing body of the University of Nebraska (University), the City of Lincoln, Nebraska, a
5 municipal corporation (City), and the Joint Antelope Valley Authority, a joint administrative
6 entity created under the Interlocal Cooperation Act Neb. Rev. Stat. § 13-801 et seq., public
7 agencies within the meaning of Neb. Rev. Stat. § 13-803 (Reissue 1997), under which the parties
8 agree that it is in their mutual best interest to coordinate planning, development, and
9 implementation of a joint use shared facility complex to be known as the Northeast Community
10 Recreational Sports Complex (Complex) in connection with the Antelope Valley Study and the
11 United States Army Corps of Engineer Antelope Creek Feasibility Study No. M-5244(3)
12 (Project), in cooperation with one another through the Agreement setting forth the provisions for
13 improvement, lease, and operating the Complex, and upon the terms and conditions set forth in
14 the Agreement.

15 WHEREAS, Article 15, Section 18 of the Nebraska Constitution and the
16 Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (Reissue 1997) permit subdivisions
17 and governments in the State of Nebraska to cooperate with one another for the purpose of jointly
18 exercising governmental authority and responsibilities;

19 WHEREAS, Article 2, Section 5 of the City's Charter grants to the City the power
20 to join with other subdivisions, agencies, or public corporations, whether federal, state, or local,

1 or with any number or combination thereof, by contract or otherwise, as may be permitted by the
2 laws of the State of Nebraska, in the joint ownership, operation, or performance of any property,
3 facility, power, or function, or in agreements containing provisions that one or more thereof
4 operate or perform for the other or others and to appropriate and spend money for such purposes;

5 WHEREAS, Article 7, Section 3 of the City's Charter grants the City Council
6 authority to enter into leases as approved by ordinance.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That the attached Agreement between the Board of Regents of the
9 University of Nebraska, the City of Lincoln, Nebraska, and the Joint Antelope Valley Authority,
10 is hereby approved.

11 Section 2. That the lease provisions are accepted and approved for assignment
12 to the City contingent upon JAVA's completion of the Project and conveyance to the City as
13 provided in the same without further action of the City Council.

14 Section 3. That the Mayor is authorized to execute the Agreement on behalf
15 of the City and is further authorized to execute or accept assignment of the lease from JAVA and
16 such other real estate easements, documents, and transfers as provided in the Agreement on
17 behalf of the City.

18 Section 4. That the Mayor is authorized to approve minor, typographical, or
19 technical changes to conform to the originals as approved by the governing body of the NRD.

20 Section 5. That cash and appropriations for the following items are hereby
21 transferred to the Street Construction Fund Antelope Valley Project for the Northeast Community
22 Sports and Recreation Complex Subproject effective upon passage and approval hereof:

1 \$410,000 from Parks/Unprogrammed KENO appropriations for the fiscal year
2 beginning Sept. 1, 2002.
3 \$150,000 from Urban Development HUD/CDBG funds;
4 \$250,000 from Parks Advanced Land Acquisition (Lawcon);
5 \$410,838 from unassigned Advanced Land Acquisition Fund;
6 \$589,162 from Tax Sales Revolving fund first to Advanced Land Acquisition and
7 then as above;
8
9 \$140,900 from Parks LWCF grant;
10 \$81,000 from Parks Baseball Tomorrow Grant;
11 \$800,000 from Antelope Valley project bond Proceeds; and
12 Available funds from Railroad Transportation Safety District and the University
13 of Nebraska as appropriated and applied to the Subproject as provided in the
14 Agreement and the JAVA Interlocal Agreement as amended.

15 Section 6. That this ordinance shall take effect and be in force from and after
16 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2002:

Mayor